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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/662,030

09/12/2003

Robert G. McHugh

9295

25859

7590

08/02/2004

WEI TE CHUNG  
FOXCONN INTERNATIONAL, INC.  
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SANTA CLARA, CA 95050

EXAMINER

NASRI, JAVAID H

ART UNIT

PAPER NUMBER

2839

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/662,030

Applicant(s)

MCHUGH ET AL.

Examiner

Javaid Nasri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-18 is/are allowed.
- 6) ☒ Claim(s) 1-5,8,9 and 19-23 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 1-9 and 23 are objected to because of the following informalities:
  - a) In claim 2, line 2, the urging means is of the actuator (4), but according to claim 1, the urging means is for the clip (3). If in claim 2, the urging means is different than the urging means of claim 1, then there is a lack of antecedent bases.
  - b) In claim 1, the limitation “urging means for urging the clip” is not supported by the specification.
  - c) In claim 6, there is lack of antecedent bases for “the cam”.
  - d) In claim 9, there is lack of antecedent bases for “the post”.
  - e) In claim 23, change “w herein” to -- wherein --.

Appropriate correction is required.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the

- a) Urging means for urging the clip,must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures

appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 19, 20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Treibergs et al. (6,045,370).

Treibergs et al discloses **for claim 19**, an insulative frame defining opposite first and second ends along a lengthwise direction thereof, an electronic package (16) mounted around the frame; a clip (40) pivotally mounted to the first end with a first pivotal axis extending along a transverse direction perpendicular to the lengthwise direction; an engagement device (50) defined around a

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distal end of the clip and far away from the first pivotal axis; a lever (54) pivotally mounted to the second end with a second pivotal axis extending along the lengthwise direction; and a pressing member (52) formed on the lever; wherein when the lever is rotated to an open position, the pressing member does not block a rotation path to the clip for allowing the clip to rotatably move back and forth along the lengthwise direction (see figures 2-6); when the lever is rotated to a closed position under a condition that the clip is located in a horizontal direction with the engagement device being located proximate of the lever, the pressing member downwardly abuts against the clip so as to have the clip retain the electronic package in position relative to the frame (see figures 2-6), **for claim 20**, the pressing member is located around the second pivotal axis, **for claim 23**, the second axis is located proximate a center line of the frame along the lengthwise direction.

5. Claims 1-5, 8, 9 and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuoka et al (5,000,696).

Matsuoka et al discloses, **for claim 1**, an insulative frame comprising two opposite edges and opposite first and second ends between the edges; a clip (2) pivotably mounted to the first end of the frame; and an actuator (10) pivotably mounted to the second end of the frame, the actuator comprising a driver (110) and urging means (6, 7) for urging the clip; wherein when pivoting the driver, the driver (11) at all times remains substantially within the confines of the frame,

Note: the driver in claim 1 is claimed very broadly, **for claim 2**, the urging means of the actuator is a cam (16), a first supporting rack (see marked figure 2, attached) and a second supporting rack (see marked figure 2, attached) are arranged on the second end of the frame, and the second

end of the frame defines a slot (see figure 3) between the first and the second supporting racks, **for claim 3**, a supporting pole (8) sequentially passes through the first supporting rack, the cam and the second supporting rack, and the cam is partially received in the slot of the frame, thereby pivotably positioning the cam on the frame (see figure 3), **for claim 4**, the supporting pole comprises a first supporting portion and a second supporting portion respectively at the first and the second supporting racks, and the driver is fixed on the second supporting portion (note: the claim does not say that the driver is **not** fixed on the first supporting portion), **for claim 5**, the driver comprises a driving portion fixed on the second supporting portion of the supporting pole, a handle portion and a connecting portion interconnecting the driving portion and the handle portion (note: item "10" can be divided into driving/handle/connecting portions. Claimed very broadly), **for claim 8**, the clip comprises a first end pivotably mounted to the first end of the frame, and a second end opposite said first end, **for claim 9**, pressing pads (see marked figure 1, attached), clip post (see marked figure 2, attached), **for claim 19**, an insulative frame defining opposite first and second ends along a lengthwise direction thereof, an electronic package (not shown) mounted around the frame; a clip (2) pivotally mounted to the first end with a first pivotal axis extending along a transverse direction perpendicular to the lengthwise direction; an engagement device (12) defined around a distal end of the clip and far away from the first pivotal axis; a lever (10) pivotally mounted to the second end with a second pivotal axis extending along the lengthwise direction; and a pressing member (11) formed on the lever; wherein when the lever is rotated to an open position, the pressing member does not block a rotation path to the clip for allowing the clip to rotatably move back and forth along the lengthwise direction (see figures); when the lever is rotated to a closed position under a condition that the clip is located in

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a horizontal direction with the engagement device being located proximate of the lever, the pressing member downwardly abuts against the clip so as to have the clip retain the electronic package in position relative to the frame (see figures), **for claim 20**, the pressing member is located around the second pivotal axis, **for claim 21**, the pressing member defines a camming surface (16), **for claim 22**, the lever is rotated between a range more than 90 degrees (without stopper 20, see col. 5, lines 16-22), **for claim 23**, the second axis is located proximate a center line of the frame along the lengthwise direction.

Note: Regarding “**for**” in claim 21, in Apparatus, Article and Composition Claims, Intended Use Language Must Result in a Structural Difference to Patentably Distinguish Over the Prior Art. See MPEP § 2111.02, 2112, & In re Schreiber, 44 USPQ2d 1429 (Fed. Cir. 1997).

#### *Allowable Subject Matter*

6. Claims 10-18 are allowed.
7. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **REASONS FOR ALLOWANCE**

8. The following is an examiner’s statement of reasons for allowance:

The reason for allowance of the claims is the inclusion of the limitation,

- a) **For claim 6**, none of the prior art teaches or suggest, alone or in combination the spiral shape groove of the cam facing the clip, in combination with other limitations in the claim, which is not found in the prior art reference of record.
- b) **For claim 7**, none of the prior art teaches or suggest, alone or in combination two locks on each opposite sides of the second end of the frame for locking the driver before and after the pivoting motion of the driver, in combination with other limitations in the claim, which is not found in the prior art reference of record.
- c) **For claim 10**, none of the prior art teaches or suggest, alone or in combination the cam having a groove for receiving the post of the clip, the post being driven by the cam, in combination with other limitations in the claim, which is not found in the prior art reference of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Contact***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javaid Nasri whose telephone number is 571 272 2095. The examiner can normally be reached on Monday to Friday.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 571 272 2800 ext 39. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any correspondence to this action may be mailed to:**


**Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450**

For additional information regarding this new address, which was effective May 1, 2003, see *Correspondence with the United States Patent and Trademark Office, 68 Fed. Reg. 14332 (March 25, 2003)*.

**Or faxed to:** 703-308-7722 or 308-7724 (informal or draft communications should be clearly labeled "PROPOSED" or "DRAFT")

**Hand-delivered responses should be brought to:**

**Crystal Plaza 4, Fourth Floor (receptionist)  
2201 South Clark Place, Arlington, Virginia**

  
Javaid Nasri

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Primary Examiner  
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JN

jhn

July 29, 2004